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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 REGINALD C. TYLER, 1:09-cv-1517 DLB (HC)
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13 Petitioner,
14 vs.
15 ADAMS,
16 Respondent.

17 _____ /
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19 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28
20 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

21 The federal venue statute requires that a civil action, other than one based on diversity
22 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
23 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
24 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is
25 situated, or (3) a judicial district in which any defendant may be found, if there is no district in which
26 the action may otherwise be brought.” 28 U.S.C. § 1331(b).

27 In this case, the petitioner is challenging a conviction from San Francisco County, which is in
28 the Northern District of California. Therefore, the petition should have been filed in the United States

1 District Court for the Northern District of California. In the interest of justice, a federal court may
2 transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
3 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
5 District Court for the Northern District of California.

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7 IT IS SO ORDERED.

8 Dated: August 31, 2009

9
10 /s/ Dennis L. Beck
11 UNITED STATES MAGISTRATE JUDGE
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